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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,166	04/20/2005	Yuji Saai	63150 (70551)	6747
21874 7590 03/21/2008 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER ZIMMERMAN, TOSHUA D				
ART UNIT 2854		PAPER NUMBER		
MAIL DATE 03/21/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,166

Applicant(s)

SAAI ET AL

Examiner

JOSHUA D. ZIMMERMAN

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicants' submission filed on 1/03/08 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The last limitation of claim 1 claim is a process step, while the preamble of the claim sets the statutory class as a product. However, according to the preamble, claim 1 is directed to a flexographic printing plate. Therefore, it is unclear if Applicants are trying to claim a system or a process. For the purposes of examination, since the last limitation of claim 1 is directed to a process step, it will be assumed that said limitation is just functional language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Masahiro et al. (JP 61-004063).
6. Regarding claim 1, Masahiro et al. disclose “a flexographic printing plate (abstract, figures) including a raised part (item 3') for transferring a printing substance to a printing substrate (abstract),
said raised part having a top surface and a side (item 3', figure 2),
said raised part being directly formed on a surface of the printing plate (see figures); and
said top surface and said side forming an angle of not less than 90° and not more than 105° (abstract: constitution. The range of shoulder angles disclosed by Masahiro et al. is 60°-80°, inclusive, which translates into a range of angles of 100°-120°, inclusive).”

The limitation “wherein the printing substance is transferred to the printing substrate by the raised part contacting the printing substrate” is intended use language which does not result in a structural difference between the plate of Applicants and that of Masahiro et al. If the prior art is capable of performing the intended use, then it meets the claim limitation. See MPEP § 2114.

Art Unit: 2854

7. Regarding claim 2, Masahiro et al. further disclose "wherein said angle is not less than 95° and not more than 100° (the range disclosed above includes 100°)."
8. Regarding claim 5, Masahiro et al. teach "a method of producing a printed substance (abstract), wherein printing is performed using the flexographic printing plate according to claim 1 (abstract, figures)."

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahiro et al. in view of Applicants' Admitted Prior Art (AAPA).
11. Regarding claim 3, Masahiro et al. teach all that is claimed, as applied to claim 1 above, but fail to specifically mention "wherein said top surface is shaped as a line when viewed from above, and has a bent portion." However, AAPA discloses a printing plate wherein its top surface is shaped as a line and has a bent portion (Figure 17a). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to form the printing plate of Masahiro et al. in accordance with the shape and configuration disclosed by AAPA in figure 17a in order to print a desired pattern on a substrate.

Art Unit: 2854

12. Regarding claim 4, Masahiro et al. teach all that is claimed, as applied to claim 1 above, but fail to specifically disclose "a flexographic printer including the flexographic printing plate according to claim 1." However, AAPA discloses a flexographic printer including a flexographic printing plate (Figure 16) in order to print a desired pattern on a substrate. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use the printing plate of Masahiro et al. in the printer of AAPA in order to print a desired pattern on a substrate.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masahiro et al. in view of Chen et al.

13. Regarding claim 6, Masahiro et al. teach all that is claimed, as applied to claim 5 above, but fail to specifically teach "wherein printing is performed using a printing substance with a viscosity of not less than 40 Pa·s."

Chen et al. teach "using a printing substance with a viscosity of not less than 40 Pa·s" in order to print on textiles or absorbent webs (paragraph 15). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use a higher viscosity printing substance in the method of Masahiro et al. in order to print on textiles.

Response to Arguments

14. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854

Joshua D Zimmerman
Examiner
Art Unit 2854

jdz